APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,048	03/22/2000	Jay H. Connelly	042390.P8387	8359

7590   12/18/2002

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EXAMINER
BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-30_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner. .

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _5_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international applicat ion by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,6-11,14-15 and 18-30 rejected under 35 U.S.C. 102(e) as being anticipated by Shah-Nazaroff et al (6317881).

3. As per claim 1, Shah-Nazaroff et al teach a method, comprising:

receiving meta-data broadcast by a server system, the meta-data including descriptions of a plurality of data files to be broadcast later by the server system [viewers feedback regarding wide range of programming data files that include news segment, comedy, a movie, a documentary and an online inter-active event, are received by entertainment system 110 Fig. 1. See Col. 2, lines 62-67 and Col. 3, lines 1-22];

selecting in response to a content rating table one or more of the plurality of data files described by the meta- data, the content rating table generated responsive to data files previously accessed by a user [in response to viewer's rating feedback, broadcast data files of viewer's likelihood of interest are selected Col. 1. lines 64-67 and Col. 2, lines 1-13];

receiving each one of the selected one or more of the plurality of data files broadcast by the server system [data files that include viewer's preference of dramas and situation comedies are retrieved Col. 4, lines 55-67 and Col. 5, lines 1-8]; and

selectively storing the selected one or more of the plurality of data files broadcast by the server system [Col. 3, lines 5-15].

4.   As per claims 6,10,14,18,22 and 26, Shah-Nazaroff et al

teach the invention wherein the plurality of data files comprise

at least one of video information, graphical information, audio

information, multi media information or textual information [Col.

2, line 67 and Col. 3, lines 1-4].

5.   As per claim 7, Shah-Nazaroff et al teach a method,

comprising broadcasting meta-data to one or more client systems,

the meta-data including descriptions of a plurality of data

files to be broadcast later [viewers feedback regarding wide

range of programming data files that include news segment,

comedy, a movie, a documentary and an online inter-active event,

are received by entertainment system 110 Fig. 1. See Col. 2,

lines 62-67 and Col. 3, lines 1-22]; and

     broadcasting each one of the plurality of data files to the

one or more client systems, wherein the one or more of client

system is coupled to selectively store one or more of the

broadcasted plurality of data files in response to the previously

broadcasted meta-data and a content rating table, the content

rating table generated responsive to data files previously

accessed by a user [Col. 2, lines 62-67 and Col. 3, lines 1-15

Col.6, lines 6-47. Also see Abstract].

6.   As per claims 8, 20 and 24, Shah-Nazaroff et al teach the

invention comprising broadcasting a meta-data broadcast schedule

prior to broadcasting the meta-data, the meta-data broadcast schedule to indicate a time when the meta-data is to be broadcast later [Col. 5, lines 9-40].

7.   As per claims 9, 21 and 25, Shah-Nazaroff et al teach the invention comprising broadcasting a broadcast schedule of the plurality of data files, the broadcast schedule of the plurality of data files to indicate a time when each one of the plurality of data files is to be broadcast later [Col. 5, lines 9-40].

8.   As per claim 11, Shah-Nazaroff et al teach an apparatus, comprising:

a processor having circuitry to execute instructions [Col. 9, lines 42-60 and Col. 10, lines 33-39];

a communications interface coupled to the processor, the communications interface coupled to receive broadcasts from a server system [Fig. 9, interface 924. see Col. 9, lines 42-67 and Col. 10, lines 1-6];

a storage device coupled to the processor, having sequences of instructions stored therein, which when executed by the processor cause the processor to receive meta-data broadcast by a server system, the meta-data including descriptions of a plurality of data files to be broadcast later by the server system [Col. 10, lines 7-15 and lines 33-52];

select in response to a content rating table one or more of the plurality of data files described by the meta-data, the

content rating table generated responsive to data files

previously accessed [in response to viewer's rating feedback,

broadcast of viewer's likelihood of interest are selected Col. 1.

lines 64-67 and Col. 2, lines 1-13];

receive each one of the selected one or more of the

plurality of data files broadcast by the server system [data

files that incle viewer's preference of dramas and situation

comedies are retrieved Col. 4, lines 55-67 and Col. 5, lines 1-

8]; and

selectively store the selected one or more of the plurality

of data files broadcast by the server system [Col. 3, lines 5-

15].

9.   As per claim 15, A Shah-Nazaroff et al teach a

machine-readable medium having instructions stored thereon, which

when executed by a processor cause the processor to receive

meta-data broadcast by a server system, the meta-data including

descriptions of a plurality of data files to be broadcast later

by the server system [Col. 9, lines 42-65 and Col. 10, lines 33-

39];

select in response to a content rating table one or more of

the plurality of data files described by the meta-data, the

content rating table generated responsive to data files

previously accessed [in response to viewer's rating feedback,

broadcast data files of viewer's likelihood of interest are

selected Col. 1. lines 64-67 and Col. 2, lines 1-13];

receive each one of the selected one or more of the

plurality of data files broadcast by the server system [Col. 2,

lines 7-13]; and

selectively store the selected one or more of the plurality

of data files broadcast by the server system [Col. 3, lines 5-

15].

10. As per claim 19, Shah-Nazaroff et al teach an apparatus,

comprising:

a processor having circuitry to execute instructions[Col. 9,

lines 42-60 and Col. 10, lines 33-39];

a communications interface coupled to the processor, the

communications interface coupled broadcast data to one or more

client systems [Fig. 9, interface 924. see Col. 9, lines 42-67

and Col. 10, lines 1-6];

a storage device coupled to the processor, having sequences

of instructions stored therein, which when executed by the

processor cause the processor to broadcast meta-data to the one

or more client systems, the meta-data including descriptions of a

plurality of data files to be broadcast later [Col. 10, lines 7-

15 and lines 33-52]; and

broadcast each one of the plurality of data files to the one

or more client systems, wherein the one or more client systems is

coupled to selectively store one or more of the broadcasted

plurality of data files in response to the previously broadcasted

meta-data and a content rating table, the content rating table generated responsive to data files previously accessed [Col. 2, lines 62-67 and Col. 3, lines 1-15 and Col.6, lines 6-47. Also see Abstract].

11.   As per claim 23, Shah-Nazaroff et al teach a machine-readable medium having instructions stored thereon, which when executed by a processor cause the processor to broadcast meta-data to the one or more client systems, the meta-data including descriptions of a plurality of data files to be broadcast later [Col. 10, lines 7-14 and Col. 2, lines 62-67 and Col. 3, lines 1-4; and

broadcast each one of the plurality of data files to the one or more client systems, wherein the one or more client systems is coupled to selectively store one or more of the broadcasted plurality of data files in response to the previously broadcasted meta-data and a content rating table, the content rating table generated responsive to data files previously accessed [Col. 2, lines 62-67 and Col. 3, lines 1-15 and Col.6, lines 6-47. Also see Abstract].

12.   as per claim 27, Shah-Nazaroff et al teach a system, comprising:

a broadcast server [Fig.1, system 100;

one or more client systems coupled to the broadcast server [Fig. 1, Viewer 130];

wherein the broadcast server is coupled to broadcast meta-data to the one or more client systems, the meta-data including descriptions of a plurality of data files to be broadcast later by the server system [See Fig. 1, Col. 2, lines 43-67 and Col. 3, lines 1-22];

wherein the client system is coupled to select in response to a content rating table one or more of the plurality of data files described by the meta-data, the content rating table generated responsive to data files previously accessed [in response to viewer's rating feedback, broadcast of viewer's likelihood of interest are selected Col. 1. lines 64-67 and Col. 2, lines 1-13];

wherein the broadcast system is further coupled to broadcast the plurality of data files [Col. 2, lines 62-67 and Col. Lines 1-4. See also Col. 5, lines 9-31];

wherein the client system is coupled to selectively store the selected one or more of the plurality of data files broadcast by the server system [Col.6, lines 6-47].

13. As per claim 28, Shah-Nazaroff et al teach a system of wherein the one or more client systems coupled to the broadcast server through a network [Col. 3, lines 12-22].

14. As per claim 29, Shah-Nazaroff et al teach system wherein the one or more client systems is coupled to the broadcast server

through a radio transmission through the atmosphere [Col. 3,
lines 16-22].

As per claim 30, Shah-Nazaroff et al teach system wherein
communications between the one or more client systems and the
broadcast server are uni-directional [Col. 3, lines 16-22].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms
the basis for all obviousness rejections set forth in this Office
action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains.   Patentability shall not be
> negatived by the manner in which the invention was made.

Claims 2-5 and 12,13,16 and 17 rejected under 35 U.S.C.
103(a) as being unpatentable over Shah-Nazaroff et al US
(6317881) in view of Payne et al (6021433).

15. As per claim 2, Shah-Nazaroff et al teach the claimed
invention as explained above. Shah-Nazaroff et al does not teach
explicitly activating a client system prior to a broadcast of the
meta-data by the server system. However, Payne et al, in an
analogous art, teach a communication server that activates a

viewer's computer by sending an alert message notifying about an incoming broadcast message that is of user's interest [col. 2, lines 65-67 and Col. 3, lines 1-42].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Payne et al with that of Shah-Nazaroff et al for the advantage of receiving pertinent broadcast information instantly [Col. 8, lines 61-67 and Col. 9, lines 1-3].

16. As per claim 3, Shah-Nazaroff et al teach the method of claim 2 further comprising receiving a meta-data broadcast schedule broadcast by the server [Col. 5, lines 9-40], while Payne et al teach the client system activated in response to the meta-data broadcast schedule prior to the meta-data broadcast [col. 2, lines 65-67 and Col. 3, lines 1-42 and Col. 7, lines 43-67 and Col. 8, lines 1-47].

17. As per claim 4, The method of claim 1 further comprising activating a client system prior to a broadcast time of each one of the selected one or more of the plurality of data files broadcast by the server system [col. 2, lines 65-67 and Col. 3, lines 1-42 and Col. 3, lines 1-42 and Col. 7, lines 43-67 and Col. 8, lines 1-47].

18. As per claim 5, Payne et al teach the method comprising receiving a broadcast schedule of the plurality of data files

broadcast by the server, the client system activated in response to the broadcast schedule of the plurality of data files prior to the broadcast of each one of the selected one or more of the plurality of data files by the server system [col. 2, lines 65-67 and Col. 3, lines 1-42 and Col. 3, lines 1-42 and Col. 7, lines 43-67 and Col. 8, lines 1-47].

19.   As per claim 12 and 16, Shah-Nazarof et al teach the system wherein the processor is further caused to receive a meta-data broadcast schedule broadcast by the server [Col. 5, lines 9-40]; and

As per the limitation to activate the apparatus in response to the meta-data broadcast schedule prior to the meta-data broadcast [see the rejection on claim 3 above].

20.   As per claim 13 and 17, Shah-Nazaroff et al teach the system wherein the processor is further caused to receive a broadcast schedule of the plurality of data files broadcast by the server [Col. 5, lines 9-40]; and

As to the limitation of activating the apparatus in response to the broadcast schedule of the plurality of data files prior to the broadcast of each one of the selected one or more of the plurality of data files by the server system [see the rejection on claim 4 above].
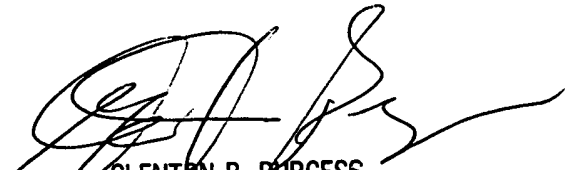
Conclusion

The prior Art made of record ad not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin M Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7201 for regular communications and 703-305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-304-3900.

YB
December 12, 2002

GLENTON B. BURGESS
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